

HOUSE BILL 2384

By Lynn

AN ACT to amend Tennessee Code Annotated, Title 5;
Title 46 and Title 66, relative to burial grounds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 46, Chapter 8, is amended by adding the following language as a new, appropriately designated part:

46-8-201.

As used in this part, "family burial ground" means a spatially defined area dedicated to the burial of human remains or set apart for the intended use of burying human remains. For purposes of this part, a family burial ground does not include:

- (1) Land operated by a cemetery company pursuant to title 46, chapter 2;
- (2) A veteran's cemetery as defined in title 46, chapter 6, part 1;
- (3) A cemetery owned by a county or municipality;
- (4) A cemetery owned by a church, an association of churches, or a church governing body;
- (5) A cemetery owned by a religious organization;
- (6) A for-profit cemetery;
- (7) A community cemetery; or
- (8) An individual urn or other container for ashes of a person who has been lawfully cremated.

46-8-202.

(a) All family burial grounds now existing in the state may be registered with the register of deeds in the county where the family burial ground is located, and a copy of the registration shall be filed with the secretary of state by the county register of deeds

upon verification of the family burial ground. The registration and all supporting documentation shall show the location and boundaries of the family burial ground, the owner of the real property on the date of registration, and the name of the person submitting the registration information.

(b)

(1) Each county of the state may maintain a family burial ground registry to allow any owner of real property with a family burial ground, any interested person as defined in § 46-4-102, or a county historian in the respective county to record the location of a family burial ground on any real property located within such county. The county historian may register all existing family burial grounds located within the county that are known and verified by the county historian as of the effective date of this act.

(2) The person registering the family burial ground shall provide the county register of deeds with a written description accurately describing the location and boundaries of the family burial ground along with any supporting documentation which evidences the existence of the family burial ground. If the person registering the property is not the owner of the real property with the family burial ground, then the county register of deeds shall give notice of the filing to the owner of the real property within thirty (30) days of the filing with the register of deeds.

(c)

(1) The county register of deeds, in consultation with the state archaeologist and the county historian, shall determine what constitutes sufficient evidence of a family burial ground for the purpose of accepting or denying placement on the county's family burial ground registry and the method to verify the location of a family burial ground.

(2) Location verification by GPS coordinates shall constitute a permissible method of verification. The county register of deeds is authorized to

levy a fee to cover any expenses incurred to verify the existence and location of the family burial ground in accordance with this section.

(3) For purposes of this part, one (1) burial may constitute a family burial ground. Evidence of a cemetery shall include land that has been set aside for burial purposes or used for burial purposes. The absence of visible graves, tombstones, above ground structures, or unmarked field stones on any part of the burial grounds property shall not be construed as definitive evidence that such grounds were not set apart and used for burial purposes.

(d) The county register of deeds may make the family burial ground registry available online on the county's website.

SECTION 2. Tennessee Code Annotated, Section 46-8-101, is amended by deleting the section in its entirety and by substituting instead the following language:

This chapter shall be known and may be cited as the "Family Burial Grounds Protection Act." This chapter is intended to provide notice to buyers and the public of property with known family burial grounds, cemeteries and gravesites listed in a deed or registered with the county register of deeds. It does not remove any protection to those sites under existing law.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.